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December 17, 2013

Received & Indexed  
DEC 18 2013  
FCC Mail Room

**Via Overnight Mail**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: Docket No. 02-33; Notice of Discontinuance of Common Carrier Broadband Internet Access Transmission Service of MegaPath Corporation

Dear Sir or Madam:

Enclosed please find an original and two copies of the following:

1. Notice of Discontinuance of Common Carrier Broadband Internet Access Transmission Service.

Please file the original and return a file-stamped copy in the enclosed postage-paid envelope. By copy of this correspondence, Mr. Rodney McDonald has also received this filing.

Should you have any questions or need additional information, please do not hesitate to contact me at the above-listed telephone number or e-mail address.

Sincerely,

George A. Lucero

Enclosure

cc: Mr. Rodney McDonald  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

No. of Copies rec'd 0+1  
List ABCDE

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Section 63.71 Notice of Discontinuance of )  
Certain Broadband Internet Access )  
Transmission Service of )  
MegaPath Corporation )

Received & Indexed  
DEC 19 2013  
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**Notice of Discontinuance of Common Carrier Broadband Internet  
Access Transmission Service**

MegaPath Corporation ("MegaPath" or "Applicant") hereby provides notice pursuant to Section 214(a) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214, Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, and the Report and Order and Notice of Proposed Rulemaking ¶¶ 100-101 (issued in CC Docket No. 02-33, *et al.* (Sept. 23, 2005)) to discontinue its provision of domestic telecommunications services – namely, interstate high speed data and Internet services – to a limited portion of its customers in California, Indiana, Maryland, Massachusetts, Michigan, Missouri, New York, Pennsylvania, and Washington.

MegaPath is a leading nationwide provider of integrated voice and data communications. The company offers DSL, Voice Over IP, T1, Ethernet, Web hosting, managed security, IP and dial-up, wireless broadband, and bundled voice and data services directly through MegaPath's network and through Internet Service Providers, value-added resellers, telecommunications carriers and affinity groups to small and medium-sized businesses and home users. MegaPath is also authorized by the Federal Communications Commission to provide interstate services.

In an effort to maintain its nationwide broadband network of over 2,027 central offices in the most efficient manner possible, MegaPath has identified 20 central offices in its network that

will be shut down. These central offices have been stagnant in growth for some time and only support 45 direct end user customers of MegaPath, 17 Enterprise, and 50 wholesale carriers. A total of 190 circuits provisioned through the wholesale carriers will be affected by the proposed discontinuance. The proposed discontinuance will not result in harm to the affected customers because the customers will have the opportunity to select another telecommunications carrier for their telecommunications needs and the CLECs and ILEC(s) in their area will continue to offer them VoIP and high speed data and Internet service.

The Applicant provides the following information pursuant to Section 63.71 of the Commission's Rules:

1. Name and Address of the Carrier: MegaPath Corporation is located at 6800 Koll Center Parkway, Ste. 200, Pleasanton, California 94566.

2. Date of Planned Service Discontinuance, Reduction or Impairment: The Applicant plans to discontinue VoIP and interstate special access high speed DSL service to the affected customers in a limited number of central offices listed above on February 1, 2014, or as soon thereafter as any necessary regulatory approvals are obtained. Applicant understands that this application will be automatically granted on the 31<sup>st</sup> day after public notice of filing unless the Commission notifies the Applicant to the contrary.

3. Points of Geographic Areas of Service Affected: Applicant proposes to discontinue VoIP and interstate special access high speed DSL service to the affected customers in the limited central offices located in the states of California, Connecticut, Kentucky, Massachusetts, Missouri, Ohio, New Jersey, New York, Rhode Island, Texas, and Wisconsin.



4. Brief Description of Type of Service Affected: The services received by the affected customers include the provision of VoIP and interstate special access high speed DSL service, which is used for high speed Internet access.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: In November 2013, Applicant provided notification to all affected MegaPath direct and Enterprise customers via e-mail and an outbound calling campaign. The e-mail communication and the calling campaign informed the customers that, due to changes in MegaPath's network coverage, it would no longer be able to provide VoIP and broadband Internet service to the customer's particular location as of February 1, 2014, but advised each customer to contact MegaPath to determine if there were potential alternatives. The e-mail communication and the calling representatives provided a toll-free number for customers to call either to disconnect their service or to investigate other service alternatives using other MegaPath affiliate service. Likewise, in November 2013, wholesale customers were contacted via e-mail notification and outbound calling campaign informing them that certain central offices would be shut down on February 1, 2014. Additionally, each wholesale customer received a list of its circuits impacted by the planned closures and was encouraged to work with their end users to find a new provider for their Internet services. This method of communication to MegaPath's customers (retail and wholesale) is standard and the accepted method of notice to the customers under the applicable contracts and practice, as opposed to notice via standard postal mail.

Applicant's notice to the commercial and wholesale customers conforms to the requirements of Section 63.71(a) of the Commission's Rules, informing it customers again of the February 1, 2014 disconnect date. Copies of the form of the wholesale and direct customer notices are appended hereto as *Exhibit A*.

6. Whether the Carrier is Considered Dominant or Non-dominant with Respect to the Service to be Discontinued, Reduced or Impaired: Applicant is considered non-dominant with respect to the affected services.

In accordance with Section 63.71 of the Commission's Rules, a copy of this Application is being mailed to the Governors and public services commissions of the states of California, Connecticut, Kentucky, Massachusetts, Missouri, Ohio, New Jersey, New York, Rhode Island, Texas, and Wisconsin and to the Special Assistant for Telecommunications for the Secretary of Defense, concurrently with the filing of this application.

Additional questions regarding this application may be addressed to the undersigned.

Respectfully submitted,

MegaPath Corporation

By: 

Katherine K. Mudge  
Vice President – Regulatory Affairs &  
Litigation  
MegaPath Corporation  
1835B Kramer Ln., Ste. 100  
Austin, Texas 78758  
(512) 794-6197

Dated: December 17, 2013

Received & Inspected  
DEC 18 2013

# CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this ~~17~~<sup>18</sup> day of ~~Dec~~<sup>Dec</sup> December 2013, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense  
ATTN: Special Assistant for Telecommunications  
Pentagon  
Washington, DC 20301

Secretary  
California Public Utility Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

The Honorable Jerry Brown  
Governor of California  
State Capitol Building, Suite 1173  
Sacramento, CA 95814

Secretary  
State of Connecticut  
Department of Public Utility Control  
Ten Franklin Square  
New Britain, CT 06051

The Honorable Dannel P. Malby  
Governor of Connecticut  
Executive Office of the Governor  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106

Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602-8294

Honorable Steve Beshear  
Governor of Kentucky  
700 Capitol Avenue, Suite 100  
Frankfort, KY 40601

Secretary  
Massachusetts Department of  
Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500

Honorable Deval Patrick  
Governor of Massachusetts  
Massachusetts State House  
Office of the Governor  
Room 280  
Boston, MA 02133

Secretary  
Missouri Public Service Commission  
Public Information Office  
Governor Office Building  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-0360

The Honorable Jeremiah Nixon  
Governor of Missouri  
Office of the Governor  
P.O. Box 720  
Jefferson City, MO 65102

The Honorable Chris Christie  
Office of the Governor  
PO Box 001  
Trenton, NJ 08625

Kristi Izzo  
Secretary of the Board  
New Jersey Board of Public Utilities  
44 S. Clinton Avenue  
Trenton, NJ 08625

Kathleen H. Burgess  
Secretary to the Commission  
New York State  
Department of Public Service  
Empire State Plaza, Agency Bldg. 3  
Albany, NY 12223-1350

The Honorable Andrew Cuomo  
Governor of New York  
NYS State Capitol Bldg.  
Albany, NY 12224

Secretary  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

The Honorable Lincoln D. Chafee  
Office of the Governor  
82 Smith Street  
Providence, RI 02903

Chairman James M. Allison  
c/o Sharla Dillon, Dockets and Records  
Office  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Honorable Bill Haslam  
Governor of Tennessee  
Governor's Office  
First Floor, State Capitol  
Nashville, TN 37243-0001

Secretary  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
PO Box 13326  
Austin, TX 78711-3326

The Honorable Rick Perry  
Governor of Texas  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711-2428



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Katherine K. Mudge

**EXHIBIT A**

**Received & Inspected**

**DEC 18 2013**

**FCC Mail Room**





6800 Koll Center Parkway, Suite 200, Pleasanton, California 94566

Client Services: 925-201-2563

www.megapath.com

October 17, 2013

**RE: Important Notice about Discontinuation of Your Broadband Service**

Dear MegaPath Customer,

Regretfully, this letter is to inform you that your broadband service at the following address will be decommissioned, as early as **February 1, 2014**, as part of a MegaPath network modification.

**Company Name:**

**Account Number:**

**Service Type:**

**Service Address:**

Please be assured that your satisfaction is very important to us. The decision to discontinue this service is the result of a recent operational assessment and we want to do everything possible to make your transition to a new service as smooth as possible.

A MegaPath representative will reach out to you to discuss the alternative services available and next steps. If you have yet to speak with a MegaPath representative about this issue, please contact **Anthony Pompano** in Client Services today at **203.284.6267**. It is imperative for you to talk with Anthony Pompano **no later than December 15, 2013** in order for you to determine what alternatives you have with MegaPath or if you need to seek service from another provider. Unfortunately, this service disconnection will take place and, therefore, we ask that you work with us to determine your best alternatives as soon as possible.

If we are able to provide you with an alternative service, once you place an order, we will deliver a new local loop to your location. You should experience only a brief interruption of service while our technician moves your local area network (LAN) connection. Please note that we will not be able to provide you with same IP addresses, so we recommend that you be prepared to make the change when the technician is onsite installing the new equipment. The technician will ensure that your service is operational before leaving your site.

In the event, however, that we cannot provide you another service, then your service will be disconnected as of **February 1, 2014**. The FCC will normally authorize this proposed discontinuance of service unless it is shown that customer would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the §63.71 Application of MegaPath Corporation. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

Thank you for your business and loyalty throughout the years. We value you as a customer and apologize for any inconvenience. As always, your MegaPath representative is available to assist you with any account questions.

Sincerely,

Mark Senda  
Chief Operating Officer  
MegaPath



EMAIL NOTIFICATION



W H O L E S A L E

## Partner Advisory

<b>Date</b>	October 16, 2013
<b>Audience</b>	MegaPath Wholesale Partners
<b>Subject</b>	Discontinuation of Broadband Service in Selected COs
<b>Affected Services</b>	Frame Access / Residential / Enterprise IDSL / Ethernet 2.0 / Ethernet 3.0 / TeleSOHO / TeleSpeed / TeleSurfer / TeleXtend in Selected COs

## Important Notice about Discontinuation of Broadband Service in Selected COs

**Dear MegaPath Wholesale Partner,**

This letter is to inform you that we will be decommissioning a select number of Central Offices (COs) and discontinuing all access services in those COs. Consequently, your current service will be disconnected as of February 1, 2014.

These COs are being decommissioned due to the low volume of existing and new business. We are actively researching new COs to add to our network that will be of greater value to our partners and welcome your input on this process.

The affected COs are as follows:

**Market**

**CLLI Code**





All services in these Central Offices are affected, including, but not limited to:

**Frame Access**

**Residential**

**Enterprise IDSL**

**Ethernet 2.0 / 3.0**

**TeleSOHO and TeleSurfer (including ADSL)**

**TeleSpeed**

**TeleXtend**

Attached is a list of circuits that will be affected by the decommissioning of these COs. Early termination fees do not apply to these circuits.

Please be assured that your satisfaction is very important to us. While the decision to decommission these sites was a difficult one, we want to do everything possible to make your transition to a new service as smooth as possible.

A MegaPath representative will reach out to you to answer any questions and offer any assistance you may need in the transition. If you would like to speak with a MegaPath representative immediately, please contact your Sales Support Manager or Account Representative.

We value you as a partner and apologize for any inconvenience.

Sincerely,

**David Williams**

Senior Vice President

MegaPath Wholesale

**FCC Statement**

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the FCC releases public notice of the proposed

discontinuance. Address your comments to:

**Federal Communications Commission  
Wireline Competition Bureau  
Competition Policy Division  
Washington, DC 20554**

Please include a reference to §63.71 Application of MegaPath Corporation in your comments. Comments should also include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

*The information contained in this communication, including any attachments, is confidential and intended only for use by the recipients expressly named, and may be legally privileged. If you are not the intended recipient, any dissemination, distribution or copying of this communication by you is strictly prohibited. If you have received this communication in error, please delete it from your systems.*

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6800 Koll Center Parkway, Suite 200, Pleasanton, CA 94566